REMARKS

Status Of Application

Claims 1-12 are pending in the application. The status of the claims is as follows:

Claims 1 and 4-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,696,421 to Zumeris et al. (hereinafter "the Zumeris patent");

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Zumeris patent in view of common knowledge in the art;

Claims 7 and 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Zumeris patent in view of U.S. Patent No. 6,201,340 B1 to Matsuda et al. (hereinafter "the Matsuda patent"); and

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Zumeris patent in view of the Matsuda patent as applied to claim 7 above, and further in view of common knowledge in the art.

Drawings

The indication in the Office Action, that the corrected drawings received on October 11, 2001 have been approved, is noted with appreciation.

A Letter to the Official Draftsperson and a revised formal drawing of FIG. 16 are being filed concurrently herewith.

35 U.S.C. § 102(b) Rejection

The rejection of claims 1 and 4-6 under 35 U.S.C. § 102(b), as being anticipated by the Zumeris patent, is respectfully traversed based on the following.

The requirements of claim 1 include a compression member for pressing a drive member against a driven member such that the drive member and the driven member are in a state of intermittent contact under conditions near the condition of transition from the

intermittent contact state to a normal contact state. This feature is not disclosed or suggested by the Zumeris patent.

The Zumeris patent discloses a multiaxis rotation device which uses several ceramic motors to rotate a spherical element. As disclosed at column 4, lines 29-51 of the Zumeris patent, ceramic motor 40 includes supports 62, driving element 64, and spring 45, and operates to push driving element 64 in a periodic motion comprising a push (arrow 70) towards an outer race 46 of bearing unit 42, followed by a pull (arrow 72) towards a side. Subsequently, the periodic motion of ceramic motor 40 ends with a disengagement of driving element 64 from outer race 46. This periodic motion is repeated in order to rotate outer race 46 and effect a rotation of the spherical element.

Despite the disclosure of a ceramic motor that operates as described above, the Zumeris patent fails to disclose or suggest a compression member as required by claim 1. In particular, the Office Action states that spring 45 meets the requirements of the compression member of claim 1, however, the Zumeris patent fails to disclose or suggest that spring 45 presses driving element 64 against a driven member such that drive element 64 and the driven member are in a state of intermittent contact under conditions near the disengagement of driving element 64 from outer race 46 and the beginning of a next periodic motion cycle when drive element 64 contacts outer race 46 as described above to effect a rotation of outer race 46. In fact, the Zumeris patent is silent as to any features of spring 45 except to state that it is "for pre-loading purposes", and neither discloses nor suggests that spring 45 is a compression member for pressing the drive member against the driven member such that the drive member and the driven member are in a state of intermittent contact under conditions near the condition of transition from the intermittent contact state to a normal contact state. Therefore, the Zumeris patent does not anticipate claim 1.

Claims 4-6 depend from claim 1. Therefore, each of claims 4-6 are also not anticipated by the Zumeris patent.

Further, while item number 4 of the Office Action indicates that claims 5 and 6 are rejected as being anticipated by the Zumeris patent, item number 6 in the Office Action

contact state to a normal contact state. Therefore, neither of the Zumeris patent, the Matsuda patent, nor common knowledge in the art discloses or suggest a compression member as required in claim 7. Thus, there is no combination of the Zumeris patent, the Matsuda patent, and common knowledge in the art that could render claim 7 and dependent claims 8 and 9 obvious.

Accordingly, it is respectfully requested that the rejection of claims 8 and 9 under 35 U.S.C. § 103(a), as being unpatentable over the Zumeris patent in view of the Matsuda patent as applied to claim 7 above, and further in view of common knowledge in the art, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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